
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

CHRISTOPHER SIMMLER,
Plaintiff,

vs.

HARRIS H. SIMMONS, et al.,
Defendants,

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:18-CV-981-DAK

Judge Dale A. Kimball

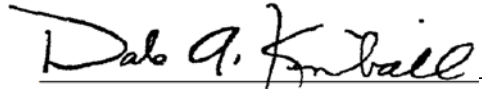
This matter is before the court on Plaintiff's Motion for Reconsideration of Court's Order Denying Motion to Stay Tolling Time to File Notice of Appeal [ECF No. 138]. A motion for reconsideration is an "inappropriate vehicle to reargue an issue previously addressed by the court when the motion merely advances new arguments, or supporting facts which were available at the time of the original motion. Absent extraordinary circumstances, . . . the basis for the second motion must not have been available at the time the first motion was filed." *Servants of the Paracletes v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). Plaintiff does not advance any new arguments for tolling the time to file his notice of appeal or arguments that were not available to him at the time he filed his previous motion. Rather, Plaintiff makes similar arguments to those he advanced previously and voices his disagreement with the court's decision. These types of arguments are insufficient for a motion to reconsider.

Despite his disagreements with the court's prior Order, the court's decision not to toll the time to appeal pending the resolution of other ongoing litigation does not prejudice Plaintiff or

cause a miscarriage of justice. Plaintiff chose to bring separate actions. The cases have not been joined, consolidated, or accepted as multi-district litigation. Each case is a separate action and, as the plaintiff, Plaintiff must prosecute them. There is nothing prejudicial with litigating each case in a timely manner. The court concludes that there is no basis for reconsidering its prior decision. Accordingly, Plaintiff's Motion for Reconsideration [ECF No. 138] is DENIED.

DATED this 9th day of February, 2021.

BY THE COURT:


DALE A. KIMBALL,
United States District Judge